

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF PUERTO RICO

EUGENIO PEREZ PEREZ,

Petitioner,

v.

UNITED STATES OF AMERICA,

Defendant.

CIV. NO. 05-2233 (PG)  
Re: Crim No. 01-614 (PG)

OPINION AND ORDER

Before the Court is the Magistrate Judge's Report and Recommendation ("R&R") (Docket No. 19) regarding Petitioner's Motion to Vacate (Docket No. 1.) Having reviewed the R&R, the objections thereto (Docket No. 20) the Court of Appeals Mandate (see Crim No. 01-614, Docket No. 362), the applicable case law, as well as the record of the case, we ADOPT the Magistrate Judge's recommendations and DENY petitioner's motion to vacate without an evidentiary hearing.

Petitioner raised several objections to portions of the R&R. In his objections, however, he is rehashing the same arguments he proffered in his motion to vacate.

"[I]f the magistrate system is to be effective, and if profligate wasting of judicial resources is to be avoided, the district court should be spared the chore of traversing ground already plowed by the magistrate except in those areas where counsel consistent with the [Federal Rules of Procedure], can in good conscience complain to the district judge that and objection to a particular finding or recommendation is 'well grounded in fact and is warranted by existing law or . . . reversal of existing law. . .'.".

Sackall v. Heckler, 104 F.R.D. 401, 402-03 (1st Cir. 1984). What is more, the Court of Appeals considered the arguments petitioner raises and found them without merit. See Crim No. 01-614, Docket No. 362). See Dirring v. United States, 370 F.2d 862, 864 (1st Cir. 1967) ("[I]t is firmly settled that issues disposed of on a prior appeal will not be reviewed again by way of [] a [\$ 2255] motion").

In sum, upon *de novo* review of the exhaustive and itemized R&R, as well

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as the objections thereto, the Court finds no reason to depart from the Magistrate Judge's sound findings and conclusions. Accordingly, the Court ADOPTS the R&R in its entirety and DENIES defendants' motion (Docket No. 1). Judgment shall be entered accordingly.

**IT IS SO ORDERED.**

In San Juan, Puerto Rico, June 25, 2007.

S/JUAN M. PEREZ-GIMENEZ  
U. S. DISTRICT JUDGE